

Florence, Elaine J CIV NAVSUP FLC Jacksonville, 220

From: Florence, Elaine J CIV NAVSUP FLC Jacksonville, 220
Sent: Wednesday, May 17, 2017 15:04
To: (b) (6)
Cc:
Subject: RE: [Non-DoD Source] GTMO port operations contract
Signed By: ELAINE.FLORENCE@NAVY.MIL

(b) (6)

MCM submitted an Agency Level Protest to be reviewed at a level above the Contracting Officer on 17 March 2017 and submitted supplemental documents on 19 March 2017 and 23 March 2017. Additionally, MCM submitted supplemental documents to Naval Supply Systems Command (NAVSUP) Legal Counsel on 28 April 2017 and 2 May 2017. In the protest, MCM raised three arguments. One, that the modification of Seaward's contract which extends Seaward's transition period from 30 to 150 days constitutes a cardinal change that compromises the competition that led to the award of the contract; two, that the scope of the contract has been changed to allow Seaward to recruit and hire MCM employees; and three that Seaward has violated the Prevention of Human Trafficking provisions of the contract. MCM's protest was reviewed by NAVSUP, Global Logistics Support's Lead Contracting Executive. MCM was notified of the Government's decision to dismiss its Agency protest on 9 May 2017.

Additionally, on 9 May 2017 MCM submitted a Bid Protest Pre-filing Notice with the U.S. Court of Federal Claims (COFC) notifying the court of its intent to file a bid protest on or about 12 May 2017; however MCM has not yet filed its protest with the U. S. COFC.

Vr,
Elaine Florence
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-----Original Message-----

(b) (6)

Subject: FW: [Non-DoD Source] GTMO port operations contract
Importance: High

Darryl, Elaine,

Good afternoon, sorry to trouble you. There is a follow up question from one of the member offices (Rep Diaz-Balart)

See below..

I understand MCM filed a protest for the contract. Is that protest still under review? If so, what is the timeline for a decision?

Is there any info on this that we can share with the office? Thanks.

(b) (6)

-----Original Message-----

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Subject: RE: [Non-DoD Source] GTMO port operations contract

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(b) (6) and I will look into it and get back to you. I am not sure.

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(b) (6) has been involved with this item of interest. He has also had queries from Senator Rubio's office as well. I have attached the document that he sent to his office.

There was a recent brief provided to Jonathan Arias (Senator Rubio's MLA) as well.

Here is some of the info from that meeting:

BLUF: The incumbent contractor for a GTMO port ops contract lost the re-compete and protested two times and was denied. The succeeding contractor has not performed to the contract due a foreign worker issue; the incumbent contractor received a bridge contract to keep services going until 1 June.

Main points:

- The new Port Ops services contract at GTMO was awarded by Fleet Logistics Center Jacksonville on 27 Oct 16 to Seaward Services. Afterwards, the incumbent contractor, MCM, protested the award to GAO, the protest was denied. Later, MCM filed a protest in the Court of Federal Claims, where it was denied.
- On 31 Jan 17, an email from Seaward told the contracting officer that the foreign national workers that previously worked for MCM were not available to Seaward. Seaward stated that their proposal assumed that these workers would be available during the transition from MCM's contract and that this was not expected.
- On 1 Feb 17, the contracting officer issued a stop work order to Seaward and issued a bi-lateral bridge contract to MCM to pick up the port ops services until the Seaward contract was at full capability.
- On 1 Feb 17, the contracting officer issued a cure notice to Seaward to detail their plan to deliver services in accordance with the contract. The current plan is to have Seaward assume contract responsibilities on 1 Jun 17.
- MCM has asked for a final contracting officer's decision at least one level above the current contracting officer. This decision will come from NAVSUP Global Logistics Center but could go back to Court again if MCM is not satisfied with the remedies offered.

I don't have any other or new information. If I receive anything though I will make sure you are updated.

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Subject: RE: [Non-DoD Source] GTMO port operations contract

FYI - attached is another letter from MCM.

(b) (6)

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Any update on this? Thanks

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I will talk with the guys and the office and I will make sure the right person gets a hold of you.

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Subject: [Non-DoD Source] GTMO port operations contract

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I'm reaching out on a local request. Please let me know if there is someone else I should reach out to. Thanks.

We've been contacted by a constituent company, MCM Corporation, which currently has the NAVSUP contract for port operations at the GTMO Naval Base. Seaward Services has subsequently been awarded the contract when it was re-competed. We were told by MCM that on the day of the turnover of port operations, Seaward showed up completely unprepared and the port was immediately shut down. At the request of the Navy, MCM restarted port operations and was given a one month extension to their current contract to continue operations. At the end of February, NAVSUP again extended MCM's contract for another 90 days because Seaward was still not ready to assume operations of the port nor has hired the appropriate personnel. MCM believes this is simply giving Seaward additional time to comply with the contract requirements. Can we get some clarification as to why Seaward keeps getting extensions to comply with the contract? I understand that the Navy can terminate the contract for!

default upon a "catastrophic performance failure." MCM feels that some of those solicitation requirements were relaxed to benefit Seaward.

Lastly, MCM believes Seaward is recruiting MCM's employees in violation of the contract requirements and pressuring them to leave the company. I've attached a letter from MCM to NAVSUP outlining their concerns. Can we get an update on the steps the Navy is taking to ensure isn't violating the contract if these allegations are true?

Thanks in advance,

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